ANNEXURE 'F'

THE MOTOR VEHICLES (MYSORE AMENDMENT) BILL, 1973.

(L. A. Bill No. 15 of 1973)

A Bill further to amend the Motor Vehicles Act, 1939.

WHERE AS it is expedient further to amend the Motor Vehicles Act, 1939 (Central Act 4 of 1939) as in force in the State of Mysore;

BE it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Rpublic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Motor Vehicles (Mysore Amendment) Act,1973.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. Amendment of section 44.—In section 44 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) (hereinafter referred as the principal Act) after the second proviso to sub-section (1), the following proviso shall be inserted, namely :—

" Provided also that for the pupose of sub-section (1), the City of Bangalore, as defined in the City of Bangalore Municipal Corporatin Act, 1949 (Mysore Act 69 of 1949) shall be a region and the Bangalore District excluding the said City of Bangalore shall be another region.'

3. Amendment of section 45.—In section 45 of the principal Act

(1) at the end of sub-section (2), the following sentence shall be added, namely :—

" When such a notification is issued reference to the Regional Transport Autority in sections 47, 48, 50, 51, 53, 54, 55, 56, 57, 58, 62, 63 and 68F shall in respect of applications for permit for using a vehicle in two or more regions lying in different States, be construed as reference also to the State Transport Authority.";

(2) after the said sub-section (2), the following sub-section shall be inserted, namely :—

" (2A) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the official gazette, direct

that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in the State, the application under that sub-section shall be made to the State Transport Authority. When such a notification is issued, reference to the Regional Transport Authority in sections 47, 48, 50, 51, 53, 54, 55, 56, 57, 58, 62, 63 and 68F shall in respect of applications for permit for using a vehicle in two or more regions lying in the State, be construed as reference also to the State Transport Authority.".

4. Amendment of section 60.—In section 60 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:

"(5) Notwithstanding anything contained in the preceding sub-sections on the breach of such conditions of the permit as may be prescribed, in the case of the second breach, the Transport Authority shall suspend the permit for such period (not being less than two months) as it deems fit, and in the case of the third breach, the Transport Authority shall cancel the permit.".

5. Insertion of new section 114A.—After section 114 of the principal Act, the following section shall be inserted, namely :—

"114A. Compounding of offences.—(1) Subject to such rules as may be prescribed any offence punishable under sections 112, 113, 113A or 114 may be compounded by an officer of the Motor Vehicles Department authorised by the State Government in this behalf on payment of such amount as may be determined by such officer.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be discharged and he shall not be liable to be prosecuted in a court of law for the same offence or on the same facts for any other offence. The composition of an offence under this section shall have the effect of an acquittal.".

STATEMENT OF OBJECTS AND REASONS

Number of motor vehicles in Bangalore City are increasing day by day. To have a better control on such vehicles and to avoid delay in the matter of granting permits, etc., it is proposed to constitute a separate Regional Transport Authority for Bangalore City.

After the insertion of sub-section (2) of section 45 by the Central Act 56 of 1969, reference to the State Transport Authority is necessary in sections 47, 48, 50, 51, 53, 54, 55, 56, 57, 58, 62, 63 and 68F. It is therefore proposed to add a sentence to said sub-section.

It is proposed to have a provision similar to sub-section (2) of section 45 in respect of grant of permits to transport vehicles proposed to be used in two or more regions inside the State. By invoking the powers under that provision it is proposed to have better control over contract carriages which are being clandestinely operated as stage carriages.

It is also proposed to amend section 60 to provide for suspension of the permit for a minimum period of two months when there is a second breach of prescribed conditions of the permit and for cancellation of the permit when there is a third breach of these conditions.

Even for minor offences under the Motor Vehicles Act, 1939, and the Rules made thereunder, the persons concerned have to be charged before the Court. This causes avoidable inconvenience to the persons involved in such minor offences.

It is therefore proposed to amend the Act empowering Officers of the Motor Vehicles Department to compound certain offences.

Hence the Bill.

Financial Memorandum

Clause 2 of the Bill declares that the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949 shall be a separate region. A separate Regional Transport Authority has to be constituted for that region. Necessary staff also will have to be appointed. This may involve a recurring expenditure of about Rs. 50,820 per annum as specified below :—

1.	First Division Clerks ..	4×400=Rs.	1,600 P.M
2.	Second Division Clerks ..	2×250=Rs.	500 P.M.
3.	Superintendent ..	1×500=Rs.	500 P.M.
4.	Senior Stenographer ..	1×435=Rs.	435 P.M.
5.	Additional R.T.O. ..	1×700=Rs.	700 P.M.
6.	Class IV officials ..	2×200=Rs.	400 P.M.
	(a) T.A. and sitting charges including lunch ..	65=Rs.	65 P.M.
	(b) contingent charges ..	35=Rs.	35 P.M.
	Total ..	Rs.	4,235 P.M.

4,235×12=Rs. 50,820 per annum. (Inclusive of all allowances).

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 4.—Sub-section (5) of section 60 proposed to be inserted by this clause empowers Government to prescribe by rules the conditions of the permit for the breach of which the Transport Authority shall suspend the permit in the case of the second breach and cancel the permit in the case of the third breach.

Clause 5.—Section 114A proposed to be inserted by this clause empowers the Government to make rules subject to which offences specified therein may be compounded.

The delegation of proposed legislative powers is of a normal character.

AZEEZ SAIT.

Te. HANUMANTHAPPA,
Secretary.

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